
AMERICAN LEGISLATIVE EXCHANGE COUNCIL
A National Association for America's State Legislators
Jeffersonian Principles in Action!
MEMORANDUM

TO: TAX AND FISCAL POLICY TASK FORCE MEMBERS

FROM: JONATHAN WILLIAMS, TASK FORCE DIRECTOR

DATE: MARCH 31, 2011

**RE: UPDATED 35 DAY MAILING—ALEC'S SPRING TASK FORCE
SUMMIT: TAX AND FISCAL POLICY TASK FORCE**

The American Legislative Exchange Council will host its Spring Task Force Meeting on April 29th at the Hilton Cincinnati Netherland Plaza in Cincinnati, Ohio. **The Tax and Fiscal Policy Task Force will host a lunch from 12:30 p.m. to 2:00 p.m., and then convene from 2:00 p.m. to 5:00 p.m., on Friday, April 29th.**

The **Public Pension Reform Working Group** will convene on Friday, April 29th from 8:00 a.m. until 9:00 a.m. Also, the **Fiscal Policy Reform Working Group** will convene from 9:15 a.m. until 10:45 a.m. Lastly, the **Solutions for Real Budget and Pension Reform Workshop** will also meet from 11:00 a.m. to 12:15 p.m.

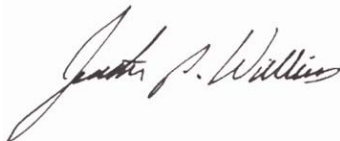
Please find the following materials enclosed:

- Spring Task Force Summit Tentative Schedule
- Task Force Meeting Tentative Agenda
- Draft Model Legislation
- States & Nation Policy Summit Minutes
- Articles of Interest
- ALEC Mission Statement
- ALEC Task Force Operating Procedures
- ALEC Meeting Reimbursement Policies

Travel and Accommodations: ALEC's Spring Task Force Summit and all task force meetings will be held at the **Hilton Cincinnati Netherland Plaza**. **You will have until April 6th to get a room at the conference rate and receive a \$50 discount on registration.** Visit www.alec.org today to register and arrange housing. Please call (202)-742-8538 if you have any questions about registration.

I look forward to seeing all of you in Cincinnati, for what is sure to be an excellent meeting. If you have any questions or comments regarding the meeting, please contact me at 202-742-8533 or by e-mail at jwilliams@alec.org.

Cordially,



Jonathan P. Williams
Tax & Fiscal Policy Task Force Director



**TAX AND FISCAL POLICY TASK FORCE MEETING
ALEC'S 2011 SPRING TASK FORCE SUMMIT**

CINCINNATI, OHIO

2:00 P.M. - 5:00 P.M., FRIDAY, APRIL 29TH

**Indiana Sen. Jim Buck – Public Sector Chair
Bob Williams – Private Sector Chair
Jonathan Williams – Task Force Director**

Call to Order, Welcome, and Introductions

Indiana Sen. Jim Buck

Bob Williams – Evergreen Freedom Foundation

Old Business – Approval of States & Nation Policy Summit Minutes

A Report from the Fiscal Policy Reform Working Group

Utah Sen. Wayne Niederhauser

A Report from the Public Pension Reform Working Group

Illinois Sen. Chris Lauzen

Broken Budgets in the States

Bob Williams – Evergreen Freedom Foundation

Why America is Prosperous

Dr. Richard Vedder– University of Ohio

Taxing Tobacco by Risk

Pam Villarreal – NCPA

Reforming Public Pensions

Dr. Barry Poulson– University of Colorado

New Tax Foundation Reports and Research

Joe Henchman – The Tax Foundation

Discussion on State Bankruptcy

Speaker TBD

Consideration of Proposed Model Legislation

- I. State Council on Competitive Government Act**
Len Gilroy – The Reason Foundation
- II. Performance Note Act**
Utah Sen. Wayne Niederhauser
- III. Legislative Transparency Act**
Jason Mercier – Washington Policy Center
- IV. State Agency Lobbying Reform Act**
Amber Gunn – The Evergreen Freedom Foundation
- V. Amendments to ALEC's Item-Reduction Veto Policy**
Bob Williams- The Evergreen Freedom Foundation
- VI. Unfunded Pension Liabilities Accounting Act**
Bob Williams- The Evergreen Freedom Foundation
- VII. Local Government Transparency Act**
Brian Costin – Illinois Policy Institute

Bill Summaries

Performance Note Act

This resolution enacts a legislative rule to provide a process for attaching a performance note on legislation that creates a new program or agency and to provide a review process based on the performance note.

Amendments to ALEC's Item-Reduction Veto Policy

Currently, ALEC endorses a constitutional provision which gives the Governor the power to remove items in bills approved by the legislature. These proposed amendments will strengthen the item-reduction veto in order to prevent wasteful spending.

Legislative Transparency Act

Transparency and public disclosure in the legislative process is vital to a representative democracy. The purpose of public hearings is to respectfully hear from the public so that citizens are provided the opportunity to comment on proposed changes to state law. This bill requires state legislatures to provide adequate notice before public hearings or votes so that citizens are able to participate in the legislative process in a meaningful way.

State Agency Lobbying Reform Act

Taxpayers are opposed to state agencies using public funds to influence the Legislature to protect themselves and their employees from meaningful reforms. This bill will restrict taxpayer-lobbying and provide taxpayers with a full account of an agency's lobbying activities.

Local Government Transparency Act

The Local Government Transparency Act promotes accountability by providing strict standards for local government and school district transparency. Specifically, this bill mandates that online budget websites must list contracts, contact information for elected and appointed officials, schedule of meetings, and contract with lobbying firms.

Unfunded Pension Liabilities Accounting Act

Future liabilities of the state's several post-retirement pension and benefits plans may exceed the ability of these plans to fully pay future claims. As a result, taxpayers may be required to make unforeseen future contributions to ensure the solvency of these plans. This bill will identify the extent to which the several pension plans lack the necessary capital to pay all future obligations.

***State Council on Competitive Government Act*^{*}**

A Council on Competitive Government will be created in response to the growing interest of making government more efficient, cost-effective, and competitive. The Council represents key members of state leadership, with the statutory empowerment to drive fundamental change and reexamine the method of delivering services in ways that improve efficiency, effectiveness and results that are relevant to citizens.

^{*} This bill is dually referred to the CIED Task Force.

LEGISLATIVE TRANSPARENCY ACT

Intent Section

The Legislature finds that transparency and public disclosure in the legislative process is vital to a representative democracy and that the purpose of public hearings is to respectfully hear from the public so that citizens are provided the opportunity to comment on proposed changes to state law. It is the intent of the Legislature, therefore, to provide adequate notice before public hearings or votes so that citizens are able to participate in the legislative process in a meaningful way.

Short Title

This Act shall be known and may be cited as the “Legislative Transparency Act.”

Section 1

(1) All bills introduced, and any proposed substitute, striking amendment, or conference committee report thereon, must be made publicly available to the members of the legislature and the public at least seventy-two hours before such a bill is eligible for a public hearing, is eligible for legislative action, or is eligible to be voted on by the senate or the house of representatives.

(2) At least seventy-two hours notice shall be given of all public hearings held by any legislative committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing.

(3) No bill shall be eligible for legislative action of any kind unless it has first been subject to a public hearing in the same session of consideration.

(4) No bill shall be eligible for legislative action on the floor of either the senate or house of representatives until forty-eight hours after it has been placed on the floor calendar.

(5) No bill shall be eligible for final passage in either house of the Legislature unless copies of the bill, in the final form to be passed, have been made available to the members of that house of the Legislature and the public for at least twenty-four hours.

(6) This section may be suspended by a two-thirds vote of the members elected to the house of the Legislature in which it is pending, and every individual consideration of a bill or action suspending this section must be recorded in the journal of the respective house of the Legislature.

SECTION 2

No bill shall embrace more than one subject, and that shall be expressed in the title. No bill shall be eligible for public hearing or legislative consideration of any kind unless the bill shall lay forth in full the changes to any act or sections of law. Title only bills shall be prohibited.

1 **AMENDMENTS TO ALEC’S ITEM-REDUCTION VETO POLICY**

2 ***Summary***

3 Currently, governors in 43 states have the authority to reduce state spending through the
4 use of the line-item veto. This authority allows governors to prevent, or at least moderate,
5 "pork-barrel" spending. The theory behind the line-item veto is that the executive, elected
6 by the whole, can more easily stand up to regional and special interests than legislators.
7 Of the 43 states with line-item vetoes, 10 states grant governors the item reduction veto.
8 The item-reduction veto allows governors to reduce spending without striking the entire
9 amount. The theory behind the item-reduction veto is that the executive will not be forced
10 into a take-it or leave-it offer and will therefore find it easier to control spending. This
11 Act calls for a constitutional provision giving the Governor the power to remove any item
12 or items in whole or in part of any bill, approved by the legislature, making
13 appropriations of money. The approved parts will become law and the rejected parts will
14 become void.

15 ***Model Amendment***

16 **{Title, enacting clause, etc.}**

17 **Section 1.** This Act may be cited as the Item-Reduction Veto Constitutional Amendment.

18 **Section 2.** For the purposes of this Section, Article [insert number] of the Constitution of
19 the State shall be amended by striking Section [insert number] in its entirety and
20 substituting the following:

21 **Section 3.** Every bill that shall have passed both Houses of the legislature shall, before it
22 becomes law, be presented to the Governor; if the Governor approves, he/she shall sign
23 it; but if he/she shall not approve, he/she shall return it with his/her objections to the
24 House in which it shall have originated. The respective House shall enter the objections
25 at large on the journal and proceed to reconsider it. If, after such reconsideration, [three-
26 fifths, two-thirds] of all members elected to that House shall agree to pass the bill, it shall
27 be sent together with the objections to the other chamber, by which it shall likewise be
28 reconsidered. If approved by [three-fifths, two-thirds] of all the members elected to that
29 chamber, it shall become law. However, in neither House shall the vote be taken on the
30 day on which the bill would be returned to the floor. In all such cases, the votes of both
31 Houses shall be determined by yeas and nays, and the names of the member voting for
32 and against the bill shall be entered on the journal of each House respectively. If any bill
33 is not returned by the Governor within [insert days], Sundays excepted, after it would
34 have been presented to him/her, the same shall be a law in like manner as if he/she had
35 signed it, an exception would apply if the legislature would, by final adjournment,
36 prevent its return, in which case it would not become a law without the approval of the
37 Governor.

Section 4. No bill shall become a law after the final adjournment of the legislature, unless approved by the Governor within [insert days] after such adjournment. The Governor shall have power to disapprove or reduce any item or items in whole or in part of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills, over the executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the legislature may be necessary, except on a question of adjournment, shall be presented to the Governor, and before the same shall take effect be approved by him/her, or being disapproved by him/her, shall be re-passed by [three-fifths, two-thirds] of all the members elected to each House of the legislature, according to the rules and limitations prescribed in the case of a bill. ~~Every order and resolution to which the concurrence of both Houses of the legislature may be necessary, except on a question of adjournment and those matters dealing solely with the internal or administrative affairs of the legislature, shall be presented to the Governor, and before the same shall take effect be approved by him/her, or being disapproved by him/her, shall be re-passed by [three-fifths, two-thirds] of all the members elected to each House of the legislature, according to the rules and limitations prescribed in this Act.~~

For any disapproved dollar amount, the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation.

In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill, and may not create a new sentence by combining part of 2 or more sentences of the enrolled bill. Each dollar amount vetoed must be voted on separately to override the veto.

Section 5. {Severability clause.}

Section 6. {Repealer clause.}

Section 7. {Effective date.}

PERFORMANCE NOTE ACT

Summary:

This Act enacts a legislative rule to provide a process for attaching a performance note on legislation that creates a new program or agency and to provide a review process based on the performance note.

Highlighted Provisions:

This Act:

provides definitions;

provides for the placement of a performance note on legislation that creates a new program or agency;

provides that deadlines for fiscal notes and performance notes be calculated by business days rather than legislative days;

outlines duties of the Office of the Legislative Fiscal Analyst relating to determining whether or not a performance note is required;

outlines duties of government entities to prepare a performance note;

lists information that must be contained in the performance note;

outlines the duties of the Legislative Fiscal Analyst and the legislative sponsor in relation to the content of a performance note;

outlines duties of the Office of the Legislative Auditor General relating to requesting performance notes from certain government entities that failed to submit notes during the legislative process and to provide information to government agencies;

requires the Office of the Legislative Auditor General to evaluate the performance of the new program or agency in reference to the performance note after the new program or agency is established;

provides procedures for the Legislative Audit Subcommittee to request an additional in-depth review of a new agency or program;

provides procedures for requiring the Executive Appropriations Committee to review those programs that fail to meet performance measures; and

provides that the Executive Appropriations Committee may recommend that a program that fails to meet performance measures be repealed, defunded, have its appropriations reduced, or some other action.

47 **Be it resolved by the Legislature of the state of {insert state}:**

48
49 (1) (a) (i) When the Legislative Fiscal Analyst receives the electronic copy of the
50 approved legislation from the Office of Legislative Research and General Counsel, that
51 office shall, within three [legislative] business days:

52 (A) review and analyze the legislation to determine its fiscal impact; and

53 (B) provide a fiscal note to the sponsor of the legislation.

54 (ii) The three day deadline for the preparation of the fiscal note may be extended
55 if the Legislative Fiscal Analyst requests it, states the reasons for the delay, and
56 informs the sponsor of the legislation of the delay.

57 (b) If the Legislative Fiscal Analyst determines that the legislation has no fiscal impact,
58 the Legislative Fiscal Analyst may release the fiscal note immediately after the sponsor
59 has received a copy of the fiscal note.

60 (c) The sponsor may:

61 (i) approve the release of the fiscal note;

62 (ii) direct that the fiscal note be held; or

63 (iii) if the sponsor disagrees with the fiscal note, contact the Legislative
64 Fiscal Analyst to discuss that disagreement and provide evidence, data, or other
65 information to support a revised fiscal note.

66 (d) If the sponsor does not contact the Legislative Fiscal Analyst with instructions about
67 the fiscal note within one 24 hour legislative day, the Legislative Fiscal Analyst shall
68 release the fiscal note.

69 (e) The Legislative Fiscal Analyst shall make the final determination on the fiscal note.

70 (f) The fiscal note shall be printed with the legislation.

71 (2) If an amendment or a substitute to legislation appears to substantively
72 change the fiscal impact of the legislation, the Legislative Fiscal Analyst
73 shall prepare an amended fiscal note for the legislation.

74 (3) The fiscal note is not an official part of the legislation.

75
76 **Section 2. Performance Review Notes -- Review of Performance Measures.**

77
78 (1) As used in this section:

79 (a) (i) "New agency" means:

80 (A) a state governmental entity that did not previously exist;

81 (B) a governmental entity that requires a new appropriation for new
82 funding;

83 (C) a governmental entity that is modified by legislation to add significant
84 services or benefits that were not previously offered by the governmental
85 entity; or

86 (D) a governmental entity that is modified by legislation to substantially
87 expand the scope of individuals or entities that are entitled to receive the
88 services or benefits offered by the governmental entity.

89 (ii) "New agency" does not mean a governmental entity that has been renamed or
90 moved to another organizational position within that branch of government unless the
91 governmental entity meets the criteria in Subsection (1)(a)(i)(C) or (D).

92 (b) (i) "New program" means a program:

(A) created by statute that did not previously exist;
(B) that requires a new appropriation or an increased appropriation for the purpose of adding significant services or benefits that were not previously offered;

(C) that is modified by legislation to add significant services or benefits that were not previously offered by the program; or

(D) that is modified by legislation to substantially expand the scope of individuals or entities that are entitled to receive the services or benefits offered by the program.

(ii) "New program" does not mean a program that has been renamed or moved to another organizational position within that branch of government unless the governmental entity meets the criteria in Subsection (1)(b)(i)(C) or (D).

(2) (a) When the Legislative Fiscal Analyst receives the electronic copy of approved legislation from the Office of Legislative Research and General Counsel, the Legislative Fiscal Analyst shall, within three business days, review and analyze the legislation to determine if it creates a new program or a new agency.

(b) If the Legislative Fiscal Analyst determines that the legislation creates a new agency or a new program, the Legislative Fiscal Analyst shall:

(i) notify the sponsor of the legislation that the legislation qualifies for a performance note;

(ii) notify the governmental entity that will supervise the new agency or the governmental entity that will administer the new program that the governmental entity must submit a performance note that meets the requirement of Subsection (4) to the Legislative

Fiscal Analyst within three business days; and

(iii) prepare a statement to be attached to the legislation containing the information required by Subsection (2)(c).

(c) The statement shall:

(i) disclose that a performance note is required, disclose the name of the governmental entity required to provide the performance note, and disclose the date on which the performance note is to be provided by the governmental entity; or

(ii) disclose that a performance note is not required because the legislation does not create a new program or new agency.

(d) (i) The Legislative Fiscal Analyst may extend the deadline for the governmental entity's submission of the performance note if:

(A) the governmental entity requests that the deadline be extended to a date certain in writing before the performance note is due; and

(B) the sponsor of the legislation agrees to extend the deadline.

(ii) If the deadline is extended, the Legislative Fiscal Analyst shall indicate the extended deadline on the legislation.

(e) (i) When a governmental entity provides a performance note to the Legislative Fiscal Analyst, the sponsor of the legislation shall either approve the release of the performance note or reject the performance note.

138 (ii) If the sponsor approves the performance note provided by the governmental
139 entity, the Legislative Fiscal Analyst shall attach the performance note to the
140 legislation.

141 (iii) If the sponsor rejects the performance note provided by the governmental
142 entity, the Legislative Fiscal Analyst shall attach the following to the legislation:
143 (A) the performance note provided by the governmental entity, with a
144 notation that the sponsor rejected the submission; and
145 (B) if the sponsor provides an alternative performance note to the
146 Legislative Fiscal Analyst within three business days, the alternative
147 performance note, with a notation that the sponsor provided the alternative
148 note due to the sponsor's rejection of the governmental entity's submission.

149 (f) If the governmental entity does not provide a performance note by the submission
150 deadline, the Legislative Fiscal Analyst shall attach a performance note to the legislation
151 that indicates only that the governmental entity did not submit performance measures by
152 the submission deadline.

153 (i) If the sponsor of the legislation disputes the Legislative Fiscal Analyst's
154 determination as to whether a performance note is required, the sponsor shall
155 contact the Legislative Fiscal Analyst to discuss that disagreement and provide
156 evidence, data, or other information to support a different determination.

157 (ii) A performance note shall contain the following information:

158 (a) the name of the governmental entity submitting the performance note, as applicable;
159 (b) the names and titles of the individuals who prepared the performance note; and
160 (c) a statement of performance measures that:
161 (i) explains the purpose and duties of the new program or agency;
162 (ii) lists the services that will be provided by the new program or agency;
163 (3) lists the goals and proposed impacts that the new program or agency intends to
164 achieve within one, two, and three years;
165 (4) lists the resources and steps required to achieve the goals and proposed impacts;
166 (v) lists the benchmarks that the new program or agency will monitor to measure
167 progress toward the goals and outcome;
168 (vi) lists the performance measures that will be used to evaluate progress toward
169 the goals and proposed impacts; and
170 (vii) states how information on progress and performance measures will be
171 gathered in a reliable, objective fashion.

172 (5) After legislation that creates a new program or a new agency has gone into effect, the
173 Legislative Auditor General shall, subject to the following procedures and requirements:
174 (a) provide an outline of best practices to the governmental entity that administers
175 the new program or to the new agency;
176 (b) include in the outline information to assist that governmental entity or new
177 agency with the creation of:
178 (i) policies that promote best practices;
179 (ii) performance measures; and
180 (iii) data collection procedures; and
181 (c) for a new program or a new agency that was created by legislation where the
182 governmental entity failed to provide a performance note:

(i) provide a notice to the governmental entity that administers the new program or to the new agency that the governmental entity or agency is required to submit a performance note to the Legislative Auditor General within 30 calendar days of the date of the notice;

(ii) retain the performance note that is received from the governmental entity or new agency and forward a copy of the note to:

(A) the primary sponsor of the legislation;

(B) the opposite house sponsor of the legislation;

(C) the President of the Senate and Speaker of the House; and

(D) the Senate minority leader and House minority leader; and

(iii) if the governmental entity or new agency fails to provide a performance review note within the required deadline, provide notice to those listed in Subsection (5)(c)(ii) that a performance note was requested from, but was not received from, the governmental entity that administers the new program or the new agency.

(6) The Legislative Auditor General may use the performance note in its review of new programs and agencies under Section 36-12-15 .

Section 3: Review of Programs -- Failure to Meet Performance Measures -- Revocation of Program or Appropriation.

(1) Subject to the procedures and requirements of Section 36-12-15 , the Legislative Auditor General shall:

(a) review each new agency or new program that has been determined to be a new agency or new program that is subject to the requirements of JR 4-2-404 ;

(b) if the legislation's performance note contained a performance note submitted by the governmental entity and an alternative performance note submitted by the sponsor of the legislation, review the new agency or new program under each of the performance note standards;

(c) make a determination as to whether each goal, proposed impact, and performance measure has been met or not met, and whether the new agency or new program has substantially met its goals and proposed impacts, and has provided adequate performance measures; and

(d) if authorized and prioritized by the Legislative Audit Subcommittee, perform a second, more in-depth review of a new agency or new program and revise or change the determination based upon the results of the in-depth review.

(2) (a) At least annually, the Legislative Auditor General shall provide the Executive Appropriations Committee with a report listing the new agencies and new programs reviewed, and for each new agency or program, a description of the review conducted and the determination made.

(b) If a governmental entity refuses to supply a required performance note or if the Legislative Auditor General makes a determination that a new agency or new program has not substantially met its goals, proposed impacts, or has not provided adequate performance measures, the Legislative Auditor General shall provide notice of the refusal or determination to:

228 (i) the new agency or the governmental entity that administers the new
229 program;
230 (ii) the sponsor and opposite house sponsor of the legislation that was
231 subject to the performance note requirements under JR 4-2-404 , or the
232 President of the Senate or Speaker of the House, as appropriate, if the
233 sponsor or opposite house sponsor is no longer serving as a legislator; and
234 (iii) the chairs of the Executive Appropriations Committee.

235 (3) Upon receipt of a report or notice issued under Subsection (2), the chairs of the
236 Executive Appropriations Committee shall place the report or notice on the agenda for
237 review and consideration at the next Executive Appropriations Committee meeting.

238 (4) When considering a report or notice submitted under Subsection (2), the Executive
239 Appropriations Committee may elect to:

240 (a) direct the Office of Legislative Research and General Counsel to prepare
241 legislation that would repeal or modify a new agency or new program and:
242 (i) adopt the legislation as a committee bill; or
243 (ii) decline to adopt the legislation as a committee bill;
244 (b) recommend that the Legislature reduce or eliminate appropriations for a new
245 agency or new program;
246 (c) take no action; or
247 (d) take another action that a majority of the committee approves.
248
249

UNFUNDED PENSION LIABILITIES ACCOUNTING ACT

Summary

The Legislature finds that the future liabilities of the state's several post-retirement pension and benefits plans may exceed the ability of these plans to fully pay future claims, possibly requiring taxpayers of {insert state} to make unforeseen future contributions to ensure the solvency of these plans or the reduction or elimination of benefits to future and current retirees. Believing both of these alternatives to be unacceptable, the Legislature seeks to identify the extent to which the several pension plans of {insert state} lack the necessary capital to pay all future obligations.

Short Title

This Act shall be known as the Unfunded Pension Liability Accounting Act.

Section 1.

(A) DEFINITION

(1) "Market Value of Liability" means value of pension liabilities by discounting future liabilities at an interest rate that matches their risk and represents the amount a private insurance company would demand to issue annuities to cover all benefits owed by a plan.

Section 2.

(A) The {state retirement board or other responsible entity} of {insert state} shall, no later than 60 days from the enactment of this legislation, report to the Legislature the Market Value of Liability for each of the state's several pension funds, as calculated using a rate of return equal to the current yield of the 20 year United States Treasury Bond. This report shall otherwise retain all actuarial assumptions as utilized in the most recent edition of the several funds' consolidated annual financial reports.

(B) In {month} of every year, beginning the calendar year after the enactment of this Act, the {state retirement board or other responsible entity} of {insert state} shall report to the Legislature the Market Value of Liability for each of the state's several pension funds, as calculated using a rate of return equal to the current yield of the 20 year United States Treasury Bond. This report shall otherwise retain all actuarial assumptions as utilized in the most recent edition of the several funds' consolidated annual financial reports.

(C) The reports required by sections (A) and (B) shall report the difference between the Market Value of Liability as calculated according to this Act and the Actuarially Accrued Liabilities as reported in the most recent edition of the several funds' consolidated annual financial reports.

47

48 (D) The reports required by sections (A) and (B) shall be posted online in a
49 searchable, non-proprietary format within 48 hours of their delivery to the Legislature, by
50 the {state retirement board or other responsible entity}.

51

52 (E) Based on the Market Value of Liability the Legislature shall project annual
53 required contribution by the state for a period of 20 years.

LOCAL GOVERNMENT TRANSPARENCY ACT

Summary

This Act requires that a unit of local government or school district that has an Internet website that the full-time staff of the unit of local government or school district maintains must post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information: (i) contact information for elected and appointed officials, (ii) notice of regular and special meetings, (iii) procedures for requesting information from the unit of local government or school district, (iv) annual budget, (v) ordinances under which the unit of local government or school district operates, (vi) procedures to apply for building permits and zoning variances, (vii) financial reports and audits, (viii) information concerning employee compensation, (ix) contracts with lobbying firms, (x) taxes and fees imposed by the unit of local government or school district, (xi) expenditures, (xii) rules governing the award of contracts, (xiii) bids and contracts worth \$25,000 or more, and (xiv) campaign contributions made by a vendor. This Act also provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Limits home rule powers.

Be it enacted by the People of the State of {insert state}:

Section 1. Internet posting requirements.

(a) A unit of local government or school district that has an Internet website that the full-time staff of the unit of local government or school district maintains must post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information:

(1) The contact information, including the phone number and e-mail address, for all elected and appointed officials, the Freedom of Information Officer, the chief administrator, and the head administrator for each department.

(2) In accordance with the Open Meetings Act, notice of any regular or special meeting, the agenda of any regular or special meeting, and the minutes from any regular or special meeting.

(3) In accordance with the Freedom of Information Act, the procedure for requesting information from the unit of local government or school district.

(4) The annual budget and appropriation ordinances.

(5) The ordinances under which the unit of local government or school district operates as of the effective date of this Act and all such ordinances thereafter adopted.

(6) The procedures required to apply for building permits and zoning variances.

(7) Any financial audit, audit schedule, or special project report, including without limitation the comprehensive annual financial report, performance audits, and reports required in municipal code of {insert state}

(8) A detailed list of the total compensation paid to each employee including wages, salary, overtime, and benefits, including health, dental, life, and pension.

(9) Contracts with lobbying firms hired by the unit of local government or school district. The name and amount of money paid to lobbying associations by the unit of local government or school district.

(10) A detailed list of the taxes and fees imposed by the unit of local government or school district.

(11) A detailed list of all expenditures made by the unit of local government or school district.

(12) The ordinances and rules governing the award of

(13) All bids and contracts for purchase in the amount of \$25,000 or more.

(14) All campaign contributions made by a vendor to an official of the unit of local government or school district.

(b) The information required to be posted under subsection (a) must be easily accessible from the unit of local government's or school district's home page and searchable.

(c) The postings required by this Section are in addition to any other posting requirements required by law or ordinance.

(d) If a unit of local government or school district fails to comply with this Section, then any citizen who is a resident of the unit of local government or school district may file suit in the circuit court for the county where the unit of local government or school district is located. The citizen may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the requirements set forth in subsection (a). The court may impose any penalty or other sanction as it deems appropriate. The court, in its discretion, may also award to the citizen bringing the action reasonable attorneys' fees and costs.

(e) No home rule unit may adopt posting requirements that are less restrictive than this Section.

Section 2

Exempt mandate. No reimbursement by the State is required for the implementation of any mandate created by this Act.

STATE COUNCIL ON COMPETITIVE GOVERNMENT ACT

Summary

Across the country there is a growing interest in making government more efficient, cost-effective, and competitive. This model legislation creates a [insert state] Council which represents key members of [insert state] leadership, with the statutory empowerment to take projects from concept to contract. The Council advances projects that reexamine the method of delivering services in ways that improve efficiency, effectiveness, and results that are relevant to citizens.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Definitions.}

In this chapter:

- (1) "Council" means the State Council on Competitive Government.
- (2) "Local government" means a county, municipality, special district, school district, junior college district, or other legally constituted political subdivision of the state.

Section 2. {Competition, Innovation and Creativity in State Services.}

The state shall encourage competition, innovation, and creativity among service providers to improve the quality of the state's services.

Section 3. {Composition of Council.}

(A) The State Council on Competitive Government consists of the following individuals or the individuals they designate:

- (1) the governor;
- (2) the lieutenant governor [or senate president*];
- (3) the comptroller [treasurer, auditor, or appropriate state management position*];
- (4) the speaker of the house of representatives;
- (5) the director of the state' general services agency [or similar position*];
- (6) the state chief information officer [or similar position*]; and

- (7) the director of the state's workforce commission [or similar position*].
- (B) The governor is the presiding officer of the council.
- (C) If the speaker of the house of representatives is not permitted by the constitution to serve as a voting member of the council, the speaker serves as a nonvoting member.

Section 4. {Meetings.}

- (A) The council shall meet as often as necessary to perform its duties.
- (B) The council is subject to:
- (1) the [insert state] open meetings law [insert appropriate state chapter reference on state transparency law if applicable]; and
 - (2) the [insert state] open records law [insert appropriate state chapter reference on state transparency law if applicable].

Section 5. {General Powers.}

- In performing its duties under this chapter, the council may:
- (1) adopt a rule governing any aspect of the council's duties or responsibilities;
 - (2) hold a public hearing or conduct a study; and
 - (3) consult a private commercial source.

Section 6. {Selection of Service Provider through Competition.}

- (A) The council shall identify commercially available services being performed by state agencies and study the services to determine if they may be better provided by selecting the service providers through competition with other state agency providers of the services or private commercial sources.
- (B) If the council determines that a service identified under Subsection (A) may be better provided by selecting the service provider through competition, the council shall require the state agency providing the service to engage in any process, including competitive bidding, developed by the council to select a service provider through competition with other state agency providers of the service or private commercial sources.
- (C) In performing its duties under this chapter, the council may:
- (1) require a state agency to conduct a hearing, study, review, or cost estimate, including an agency in-house cost estimate or a management study, concerning any aspect of a service identified under Subsection (A);

* Insert appropriate state management position. For more information on Texas' state positions on the Council, please see: <http://www.ccg.state.tx.us/background.php>

- (2) develop and require state agencies to use methods to accurately and fairly estimate and account for the cost of providing a service identified under Subsection (A);
- (3) require that a service identified under Subsection (A) be submitted to competitive bidding or another process that creates competition with private commercial sources;
- (4) prescribe, after consulting affected state agencies, the specifications and conditions of purchase procedures that must be followed by the comptroller and a state agency or a private commercial source engaged in competitive bidding to provide a service identified under Subsection (A);
- (5) award a contract to a state agency providing the service, another state agency, a private commercial source, or a combination of those entities, if the bidder presents the best and most reasonable bid, which is not necessarily the lowest bid; and
- (6) determine the terms of a contract for service or interagency contract to provide a service identified under Subsection (A).

(D) To the extent the council determines is feasible, a local government may voluntarily participate in a contract awarded by the council or a state agency under this chapter. A local government that purchases a good or a service under a contract awarded under this chapter is considered to have satisfied any state law requiring the local government to follow a competitive purchasing procedure for the purchase.

Section 7. {Cost Comparison and Contract Considerations.}

(A) In comparing the cost of providing a service, the council shall consider the:

- (1) cost of supervising the work of a private contractor; and
- (2) cost of a state agency's performance of the service, including:
 - (a) the costs of the comptroller, attorney general, and other support agencies; and
 - (b) other indirect costs related to the agency's performance of the service.

(B) A bid or contract that the Council determines will be likely to result in staff reduction must include an analysis of health care benefits, retirement, and workers' compensation insurance for a contractor's employees that are reasonably comparable to the health care benefits, retirement, and workers' compensation insurance of the state.

Section 8. {Duties of Affected State Agencies.}

104 A state agency shall perform an activity required by the council in performing its duties
105 or exercising its powers under this chapter.
106

107 **Section 9. {Exemption from Purchasing Laws.}**

108 A contract by the council or a decision regarding whether a state agency is required to
109 engage in competitive bidding is exempt from another state law regulating or limiting
110 state purchasing or a purchasing decision.
111

112 **Section 10. {Severability Clause.}**

113

114 **Section 11. {Repealer Clause.}**

115

116 **Section 12. {Effective Date.}**

STATE AGENCY LOBBYING REFORM ACT

Short Title

This Act may be cited as the State Agency Lobbying Reform Act

Intent Section

The Legislature finds that citizens are opposed to state agencies using public funds to influence the Legislature to protect themselves and their employees from meaningful reforms. Lobbying by state agencies is often conducted to increase the size, scope and cost of the state agencies, or to prevent budget cuts. Citizens should not be forced to fund the same lobbyists they may have to compete with at public hearings where state agency reductions and reforms are proposed. Therefore, the Legislature finds that taxpayer-funded lobbying should be restricted, and that when such lobbying does occur, citizens are given a full accounting of an agency's lobbying activities.

Definitions

(1) "State Agency" means every state office, department, division, bureau, board, commission, or other state agency.

(2) "Director" shall mean the head of a state agency or equivalent position.

(3) "Deputy director" means the individual appointed to act on behalf of the director in the administration of the affairs of the agency and who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

(4) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the state Legislature or the United States Congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency.

(5) "Lobby" and "lobbying" do not include:

- (a) Recommendations or reports to the Legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject.
- (b) Official reports including recommendations submitted to the Legislature on a regular basis by a state agency as required by law.
- (c) Requests, recommendations, or communication between or within state agencies.

(6) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

47 **Prohibition of lobbying**

- 48 (1) No elected official, appointed official, or employee of any state agency shall perform
49 lobbying activities while representing said state agency, except in accordance with the
50 provisions of this article, or as otherwise provided by law;
51 (2) No state agency shall expend public funds for the purpose of lobbying activities,
52 except in accordance with the provisions of this article, or as otherwise provided by
53 law.
54 (3) Only the Director and Deputy Director of a State Agency are permitted to engage in
55 lobbying activities. The Director or Deputy Director may be assisted by agency staff,
56 but may not delegate lobbying activities to staff.
57 (4) No state agency may enter into a contract for lobbying activities;
58 (5) No state agency may pay dues for membership in any organization, public or private,
59 that engages in lobbying activities.
60

61 **Disclosure**

- 62 (1) Any state agency which lobbies as permitted in Section 3 of this article shall file
63 quarterly statements with the state agency regulating lobbying providing the
64 following information for the quarter just completed:
65 (a) The name of the agency filing the statement;
66 (b) The name, title, job description and salary of each elected official, officer, or
67 employee who lobbied; a general description of the nature of the lobbying; and
68 the proportionate amount of time spent on the lobbying;
69 (c) An itemized list of any expenditures of public funds on lobbying activities,
70 including but not limited to travel, food, drinks, and publications, the purpose of
71 which is to influence legislation;
72 (d) A listing of specific issues and/or legislation which were the subject of the public
73 agency's lobbying activities, and a listing of specific lobbying activities
74 undertaken related to each specific issue and/or legislation, as well as a listing of
75 specific legislators, committees, or state agencies with whom these issues were
76 discussed;
77 (e) The state agency director or a designee of the state agency director must prepare
78 and file the statement.
79 (f) The statement must be signed by the state agency director.
80

81 **Penalties**

- 82 (1) Any state agency official, officer, or employee who expends public funds in violation
83 of this chapter may be subject to a civil penalty equivalent to the amount of funds
84 expended.
85 (2) Any state agency director that fails to disclose lobbying activities as required in this
86 chapter may be subject to a civil penalty equivalent to the amount of funds expended
87 but not disclosed.
88 (3) Any state agency found in violation of this chapter may be prohibited from any and
89 all lobbying activities for not more than two years.
90

Budget&Tax News



CENTER ON TAXES AND THE ECONOMY AT THE HEARTLAND INSTITUTE

Priority-Based Budgeting Offered as Fundamental Reform

By Jonathan Williams

The American Legislative Exchange Council's (ALEC) new State Budget Reform Toolkit advances a set of budget reform and procurement best practices, called priority-based budgeting, to guide state policymakers as they work to solve current budget shortfalls.

Eight nationally acclaimed authors provide more than 20 recommendations for legislators looking to modernize state budgeting, improve budget transparency, control cost, and improve government efficiency. The "toolkit" will assist legislators in prioritizing and more efficiently delivering core government services.

The need to reform state budgeting is more vital than ever. As federal stimulus funds recede, states will grapple with even larger budget gaps. The "business-as-usual" budgeting approach of raiding non-general fund accounts and using tricky accounting techniques will no longer rescue states from a budget crisis.

Avoids Tax Hikes

States need innovative budgeting strategies to address these new economic challenges—without resorting to economically damaging tax increases. As ALEC's *Rich States, Poor States* publication points out, tax increases come with a high cost: the erosion of economic competitiveness.

This State Budget Reform Toolkit is designed to help legislators address the serious financial crises in the states by changing their budgetary system from the conventional input system, which is clearly a failed policy model, to one focused on outcomes.

Sets Priority-Based Budgets

This new budgetary system is called priority-based budgeting. To make the shift to this form of budgeting, state officials and citizens determine the core functions of government first before working on the budget. This may seem like an elementary step, but it is seldom taken before legislative appropriations are made.

To gain control of a state budget, the following questions should be answered:

1. What is the role of government?
2. What are the essential services the government must provide to fulfill its purpose?
3. How will we know if government is doing a good job?
4. What should all of this cost?
5. When cuts must be made, how will they be properly prioritized?

Focus on Core Functions

Only by carefully considering the proper role of government can legislators and governors effectively protect individual rights while providing essential services to taxpayers in an efficient, cost-effective manner. Great savings can be achieved if legislators and agencies focus on the core functions of government instead of wasting time determining how a nonessential function can be better performed.

In 2003, Washington state implemented priority-based budgeting to eliminate a budget deficit of \$2.4 billion without raising taxes. Had the traditional budgeting system been used, legislators would have started with the baseline budget and focused on cutting programs or raising taxes until the general fund matched the forecasted revenue.

Jonathan Williams is director of the Tax and Fiscal Policy Task Force at the American Legislative Exchange Council.

Opinion: Wisconsin Exposes Deeper State Budget Crisis

Feb 24, 2011 – 5:00 AM

Jonathan Williams | Special to AOL News

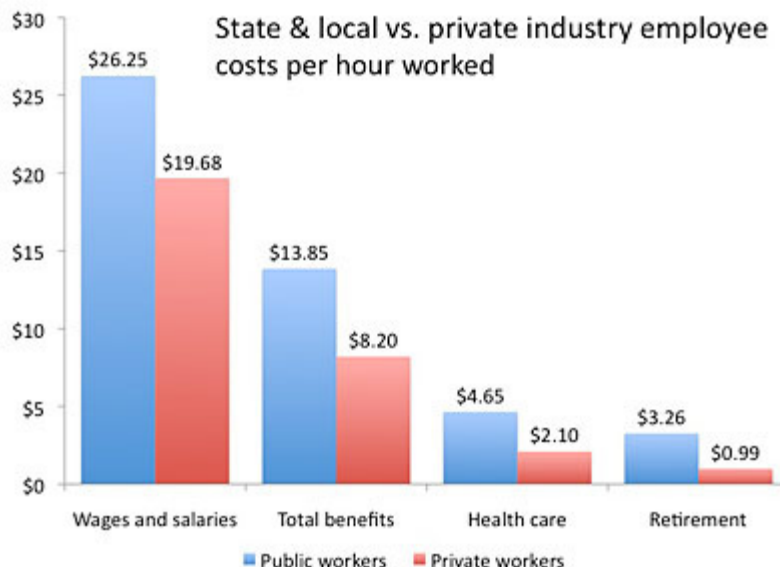
In the wake of the recent protests in Wisconsin and now several other states, Americans are taking a much closer look at the grim budget realities facing our states today.

Wisconsin Gov. Scott Walker correctly points out that his state's current budget trajectory is unsustainable. But he's not alone.

The financial state of the states is not encouraging. Driven by irresponsible state and local spending growth, which outpaced private-sector growth by nearly 90 percent over the past decade, current budget deficits are estimated to exceed \$100 billion for the upcoming fiscal year.

Bad as they are, these budget gaps are overshadowed in size and scope by unfunded liabilities in state pension and health care systems for public employees, which are *trillions* of dollars in the red.

These are unsustainable cost drivers that threaten the financial solvency of the states. Without fundamental budget reform, expect the news stories discussing the possibility of state bankruptcy to continue. This is not an issue of Republican vs. Democrat or left vs. right; it is an issue of financial sustainability.



As liberal former California Speaker Willie Brown recently put it: "At some point, someone is going to have to get honest about the fact that 80 percent of the state, county and city budget deficits are due to employee costs. Either we do something about it at the ballot box, or a judge will do something about in bankruptcy court."

The problem is that most of the legislative "fixes" over the past few years for state budgets have merely kicked the can down the road -- postponing or obscuring the problems, rather than solving them.

That has to end and, as Brown suggests, everything has to be on the table, including a review of public employee pay and benefits.

Most importantly, states should consider replacing their defined-benefit pension plans with 401(k)-style defined-contribution plans for new employees.

According to the Bureau of Labor Statistics at the U.S. Department of Labor, as of 2009 state and local government employees not only earned more in wages than their private-sector counterparts, they received benefits that were 69 percent higher than those in the private sector. Of course, if states could grow money on trees, it would be grand for politicians to hand out "Cadillac" benefit plans to all workers. But in a world of limited resources, states must choose between needs and wants.

States need innovative budgeting strategies to address these new economic challenges -- without resorting to economically damaging tax increases. As the American Legislative Exchange Council's "Rich States, Poor States" study points out, tax increases come at a very high cost: the erosion of state economic competitiveness. In the words of President John F. Kennedy: "An economy constrained by high tax rates will never produce enough revenue to balance the budget, just as it will never create enough jobs."

States must move instead toward building priority-based budgets. In 2003, a bipartisan group of legislators in Washington state, along with Democratic Gov. Gary Locke, successfully implemented priority-based budgeting to eliminate a budget deficit of more than \$2 billion.

To gain control of a state budget and develop priorities, the following questions should be answered:

- What is the role of government?
- What are the essential services the government must provide to fulfill its purpose?
- How will we know if government is doing a good job?
- What should all of this cost?
- When cuts must be made, how will they be properly prioritized?

My organization just released its State Budget Reform Toolkit, to help in this effort, providing state legislators with more than 20 recommendations for modernizing state budgets, improving budget transparency, controlling costs and improving government efficiency.

By setting clear priorities and getting their public employee costs under control, states can show they are able to live within their means, just like taxpayers do.

Despite the economic difficulties facing the states, there is a pathway to budget reform and financial sustainability.

Jonathan Williams is the director of the Tax and Fiscal Policy Task Force at the American Legislative Exchange Council and co-author of "Rich States, Poor States" and "ALEC's State Budget Reform Toolkit." To obtain a complete copy of ALEC's budget recommendations, visit www.alec.org/toolkit.

American Legislative Exchange Council

Tax and Fiscal Policy Task Force

States and Nation Policy Summit

Washington, DC

December 2, 2010

Task Force Members in Attendance:

Public Sector Members: (24)

Sen. Jim Buck, Public Sector Chair- Indiana Legislature

Rep. Bryan Pedersen, Wyoming Legislature

Rep. Cary Smith, Montana Legislature

Rep. Laura Brod, Minnesota

Sen. J. Stuart Adams, Utah Legislature

Sen. Wayne Niederhauser, Utah Legislature

Rep. Patricia Strachota, Wisconsin Legislature

Rep. Bette Grande, North Dakota Legislature

Rep. Kirk Adams, Arizona Legislature

Rep. Ronald Maag, Ohio Legislature

Del. Gail Bates, Maryland Legislature

Rep. Justin Cronin, South Dakota Legislature

Rep. Greg Forristall, Iowa Legislature

Sen. Curtis Bramble, Utah Legislature

Rep. Robin Vos, Wisconsin Legislature

Sen. Jeffrey Haverly, South Dakota Legislature

Rep. Rodney Anderson, Wyoming Legislature

Sen. Mike McGinness, Nevada Legislature

Rep. Ed Setzler, Georgia General Assembly

Sen. Steven Yarbrough, Arizona Legislature

Sen. Reginald Tate, Tennessee Legislature

Rep. Kenneth Weyler, New Hampshire Legislature

Rep. John Adams, Ohio Legislature

Rep. Ed Garner, Arkansas General Assembly

Private Sector Members: (40)

Mr. Bob Williams, Private Sector Chair- Evergreen Freedom Foundation

Dr. Adrian Moore, Reason Foundation

Mr. Allen Chew, The DIRECTV Group, Inc

Mr. Rick Cimerman, National Cable & Telecommunications Association

Mr. Kenneth Lane, Diageo North America, Inc.

Mr. Donald McClellan, Brown-Forman Corporation

Ms. Kathleen O'Hearn, Mercatus Center At George Mason University

Mr. James Schuler, CTIA-The Wireless Association

Mr. Steve Woods, National Federation of Independent Business (NFIB)

Ms. Deborah Bierbaum, AT&T

Ms. Annabelle Canning, Verizon Communications

Ms. Jamie Fenwick, Time Warner Cable

Ms. Meredith Garwood, Time Warner Cable
Mr. Jeffery Hyde, General Electric Company
Mr. Gerard Keegan, CTIA-The Wireless Association
Ms. Lisa McCabe, Satellite Broadcasting and Communications Association
Mr. Pete Poynter, AT&T
Mr. Scott Roberti, General Electric Company
Mr. Joshua Sanders, Diageo North America, Inc.
Mr. Greg Saphier, National Cable & Telecommunications Association
Mr. Randolph Thompson, Reynolds American Inc.
Mr. Lyle Williamson, Verizon Communications Inc.
Mr. Michael Barnhart, Sunshine Review
Mr. Carl Bearden, United For Missouri's Future
Mr. Christopher Butler, Americans for Tax Reform Foundation
Mr. Leonard Gilroy, Reason Foundation
Mr. Tom Giovanetti, Institute for Policy Innovation (IPI)
Mr. Joseph Henchman, Tax Foundation
Mr. Bartlett Cleland, Institute for Policy Innovation (IPI)
Mr. Jason Clemens, Pacific Research Institute
Mr. Talmadge Heflin, Texas Public Policy Foundation
Mr. James Hohman, Mackinac Center for Public Policy
Ms. Holly Jackson, State Policy Network
Mr. Jason Mercier, Washington Policy Center
Mr. Jon Sanders, John Locke Foundation
Dr. Byron Schlomach, Goldwater Institute
Mr. Alan Smith, Heartland Institute
Mr. John Stephenson, National Taxpayers Union
Mr. Dave Trabert, Kansas Policy Institute
Ms. Pam Villarreal, National Center for Policy Analysis

Speakers/Advisors (7)

Dr. Bill Beach, The Heritage Foundation
Mr. Jim Carter, Senate Budget Committee
Mr. Chris Edwards, Cato Institute
Mr. Robert Graham, RG Capital, LLC.
Dr. Timothy Nash, Northwood University
Dr. Barry Poulson, University of Colorado
Mr. Lew Uhler, National Tax Limitation Committee

Staff (3)

Jonathan Williams, Tax and Fiscal Policy Task Force Director
Kati Siconolfi, Legislative Assistant
Ben Iwen, Intern

Welcome and Introduction:

Senator Jim Buck and **Mr. Bob Williams** welcomed everyone and called the meeting to order.

Bob Williams encouraged Task Force members to implement ideas found in ALEC's publications of *Rich States, Poor States* and ALEC's *State Budget Reform Toolkit*.

Minutes from the 2010 Annual Meeting were unanimously approved.

Speakers and Discussion:

Jason Mericer reported on the **Fiscal Federalism Working Group**. Rep. Laura Brod introduced an amendment to ALEC's Balanced Budget Resolution. The group also discussed the Repeal Amendment. Nick Dranias from the Goldwater Institute introduced A Constitutional Amendment Requiring State Approval for Increases in Federal Debt.

Senator Wayne Niederhauser reported on the **Fiscal Policy Reform Working Group**. The working group discussed the Digital Goods and Services Tax Fairness Resolution as well as a Resolution to Align Pay and Benefits of Public Sector Workers with Private Sector Workers. The working group also heard a presentation from Dr. Matthew Mitchell from the Mercatus Center on tax and expenditure limitations.

Dr. Barry Poulson reported on the **Public Pension Reform Working Group**. **Dr. Poulson** gave an update on the status of the pension crises facing the states. The working group discussed the Defined-Contribution Pension Reform Act and also discussed ALEC's new publication, *Public Employee Other Post Employee Benefit Plans*.

Dr. Tim Nash from Northwood University presented on **In Defense of Capitalism**.

Dr. Bill Beach from The Heritage Foundation presented on **The State-by-State Cost of Not Extending 2001 & 2003 Tax Relief**.

Chris Edwards from the Cato Institute presented on **Grading America's Governors on Fiscal Policy**.

Robert Graham from RG Capital, LLC presented on **Right-to-Work Laws and Economic Competitiveness**.

Jim Carter from the Senate Budget Committee presented on **Opportunities for Federal Tax Reform in 2011**.

Model Bill Discussion/Votes:

Minnesota **Rep. Laura Brod** introduced amendments to **ALEC's Resolution Calling for a Federal Balanced Budget Amendment**. The amendment included updating ALEC's current resolution with more recent numbers.

The resolution passed unanimously by voice vote.

Lyle Williams from Verizon introduced the **Digital Goods and Services Tax Fairness Resolution**. The resolution calls for a consistent, nondiscriminatory, and legislatively-driven tax framework that provides greater clarity and certainty with respect to the sale of digital goods and services.

The resolution passed unanimously by voice vote.

Bob Williams from the Evergreen Freedom Foundation introduced the **Defined Contribution Pension Reform Act**. This bill requires the state retirement board to create and maintain a defined-contribution program for state and municipal employees.

The bill passed unanimously by voice vote.

Nick Dranias from the Goldwater Institute introduced **A Constitutional Amendment Requiring State Approval for Increases in Federal Debt**. The amendment requires any increase in the federal debt to be approved by a majority of state legislatures.

The amendment passed by a show of hands. The public sector approved the amendment by a vote of 8-4. The private sector also approved the amendment by a vote of 12-4.

Senator Jim Buck introduced **A Resolution to Align Pay and Benefits of Public Sector Workers with Private Sector Workers**. This resolution calls for state governments to evaluate their current compensation and hiring practices to align them with those in the private sector.

The resolution passed unanimously by voice vote.

New Business

Lewis Uhler from **The National Tax Limitation Committee** spoke about California's progress in potentially passing a form of Paycheck Protection.

The Tax Foundation informed Task Force members that they can find state-by-state impacts of a renewal or non-renewal of the Bush Tax cuts on their website.

Adjournment

A motion to adjourn was called and unanimously approved.

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.



American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
 - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
 - educational communication and correspondence campaigns;
 - issue specific briefings, press conferences and press campaigns;
 - witness testimony and the activities of policy response teams;
 - workshops at ALEC's conferences; and
 - specific focus events.
- D. The Executive Director is to ~~Task Forces are responsible for developing an annual budgets,~~ which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

III. GENERAL PROCEDURES

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
 - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
 - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
 - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but

should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

VII. REMOVAL AND VACANCIES

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
 - (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
 - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
 - Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
 - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
 - History of Task Force action
 - Previous ALEC official action/resolutions
 - Issue before the board
 - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
 - Task Force Chair(s) will be invited to attend the Board Review
 - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
 - Twenty minutes that is equally divided will be given for both sides to present before the Board.
 - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
 - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
 - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.

Tax & Fiscal Policy
As of 3/31/2011

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